

BB

BEFORE THE DEPARTMENT OF  
NATURAL RESOURCES AND CONSERVATION  
OF THE STATE OF MONTANA

\* \* \* \* \*

IN THE MATTER OF THE APPLICATION       )  
FOR CHANGE OF APPROPRIATION WATER    )    CERTIFICATION TO DIRECTOR  
RIGHT NO. G15152-s76L BY FRANK POPE    )

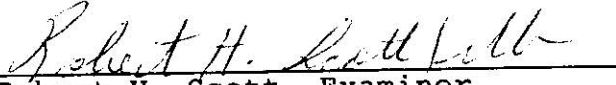
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WHEREAS, Objectors Confederated Salish and Kootenai Tribes and U.S. Department of the Interior have moved that this Application be dismissed alleging that the Department of Natural Resources and Conservation has no jurisdiction to issue Water Use Permits within the exterior boundaries of the Flathead Indian Reservation; and

WHEREAS, the motion involves a controlling question of law which if finally determined would materially advance the ultimate termination hereof,

NOW, THEREFORE, the Examiner hereby certifies the motion together with briefs filed thereon and a tape recording of oral arguments made thereon to the Director for final determination.

Dated this 8<sup>th</sup> day of November, 1989.

  
Robert H. Scott, Examiner  
Department of Natural Resources  
and Conservation  
1520 East 6th Avenue  
Helena, Montana 59620-2301  
(406) 444-6625

**CASE # 15152**

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Certification to Director was duly served upon all parties of record, at their address or addresses this 8<sup>th</sup> day of November, 1989, as follows:

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Irene V. LaBare  
Legal Secretary

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